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# ARTICLE 1 — GENERAL PROVISIONS

## Chapters:

- 1.1 User’s Guide
- 1.2 Title, Purpose, and General Administration
- 1.3 Land Use Categories

## **Chapter 1. 1 — User’s Guide**

The City of Dallas Development Code (“Code”) contains land use and development regulations for properties within the incorporated limits of City of Dallas. The Code articles are as follows:

**Article 1.** Article 1 (this article) describes the organization of the Code; the title, purpose, and general administration of the Code; and land use and building types referenced by this Code.

**Article 2.** Article 2 contains the land use (zoning) districts of the City of Dallas, including overlay zones, as designated by the City of Dallas Zoning Map. Article 2 identifies land uses and building types that are allowed in each district, and standards that are unique to each district (e. g., lot standards, setbacks, use-specific design standards, etc.). As required by state law, the zones or “land use districts” implement the City of Dallas Comprehensive Plan. Property owners should review the Zoning Map first to determine the zoning of their property. Next, they should review Article 2 to determine whether a proposed use or development is allowed in the zone. See Chapter 2.1 for information on interpreting the Zoning Map.

**Article 3.** Article 3 contains development and design standards for new development. The standards address transportation improvements, street access, pedestrian and vehicle circulation, landscaping, parking, public facilities, surface water management, signs, and other provisions.

**Article 4.** Article 4 contains the City’s application requirements and procedures for obtaining permits and approvals required by this Code. Property owners should contact the City of Dallas Community Development Department to determine whether their proposal requires a permit or other City approval.

**Article 5.** Article 5 contains application requirements and approval criteria for variances. Article 5 also addresses non-conforming situations; a non-conforming situation is an existing use, structure or development that does not comply with the current code but is allowed subject to certain limitations. Property owners should contact the City of Dallas Community Development Department to determine whether their property is non-conforming.

**Article 6.** Article 6 contains definitions, rules of measurement and other exhibits that are used in interpreting and administering this Code.

## Chapter 1.2 — Title, Purpose, and General Administration

### Sections:

<b>Section 1.2.010</b>	<b>Title</b>
<b>Section 1.2.020</b>	<b>Purpose</b>
<b>Section 1.2.030</b>	<b>Compliance and Scope</b>
<b>Section 1.2.040</b>	<b>Rules of Code Construction</b>
<b>Section 1.2.050</b>	<b>Development Code Consistency with Comprehensive Plan and Laws</b>
<b>Section 1.2.060</b>	<b>Land Use Consistent With Development Code and Zoning Map</b>
<b>Section 1.2.070</b>	<b>Pre-Existing Approvals</b>
<b>Section 1.2.080</b>	<b>Building Permit and Certificate of Occupancy</b>
<b>Section 1.2.090</b>	<b>Official Action</b>

### **1.2.010 Title**

The official name of this Title is “The City of Dallas Development Code.” It may be referred to as “Development Code” and “Code”.

### **1.2.020 Purpose**

The Development Code is intended to implement the City of Dallas Comprehensive Plan and related plans and policies in a manner that protects the health, safety, and general welfare of the citizens of Dallas.

### **1.2.030 Compliance and Scope**

- A. Compliance with the Provisions in the Development Code.** Land and structures may be used or developed only as this Development Code (“Code”), including all amendments thereto, permits. No plat shall be recorded and no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most Restrictive Regulations Apply.** Where a conflict arises between this Code and any other rule or regulation of the City of Dallas, the most restrictive regulation, or that imposing the higher standard, shall govern. The City of Dallas Planning Official (“Planning Official”) shall determine applicability of such regulations. Where the Code’s applicability is unclear, the Planning Official may determine applicability pursuant to Chapter 4.8 Code Interpretations, or refer an interpretation request to the Planning Commission for action

pursuant to Chapter 4.8.

- D. Transfer of Development Standards Prohibited.** No lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use, except as otherwise specifically allowed by this Code.

#### 1.2.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable regulations, the most restrictive regulation, or that imposing the highest standard, shall govern.
- C. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar terms means the provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar term means the provision is recommended (i.e., as in a guideline) and may be imposed as a requirement only where applicable code criteria provide such discretion to the decision making body.
- D. Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

#### 1.2.050 Development Code Consistency with Comprehensive Plan and Laws

- A. City of Dallas Comprehensive Plan.** This Development Code implements the City of Dallas Comprehensive Plan. All provisions of this Code shall be construed in conformity with the Comprehensive Plan, including all adopted Comprehensive Plan elements, except as otherwise required by applicable State or Federal law.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Title, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- C. References to Other Regulations.** All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations. Where a proposal, permit, or approval is subject to both City of Dallas and Polk County regulations, the property owner is

responsible for consulting both agencies and complying with their respective regulations.

- D. Current Versions and Citations.** All references to other City, county, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where a referenced regulation has been repealed, this Code’s requirements for compliance with the same are no longer in effect.

### **1.2.060 Land Use Consistent With Development Code and Zoning Map**

**A. Land Use Consistent With Development Code.** A lawful use is one that is permitted in accordance with this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law. Where a proposed use is not specifically identified by this Code, the Planning Official shall refer to Chapter 1.3, as applicable, and determine whether the use is similar to another use (or uses) that is (are) permitted, allowed conditionally, or prohibited by this Code. Where the Code is unclear and the Planning Official is unable to make a similar use ruling without referencing sources outside the Development Code, the requested use shall be denied, or a similar use determination shall be made pursuant Chapter 4.8 Code Interpretations and the use shall accordingly be permitted, allowed conditionally, or denied.

**B. Development Code and Zoning Map.** The Development Code refers to the City of Dallas Zoning Map (Zoning Map). Land and structures may be used or developed only as provided by the applicable land use (zoning) district, as designated on the Zoning Map, including all amendments thereto. Uses and structures shall comply with the provisions of this Code and the Zoning Map.

**C. Content of Official Zoning Map.** The boundaries of the base zones, overlay zones, and other map designations are shown on the Official Zoning Map of the City of Dallas. The Official Zoning Map is published separately, but is a part of the Code. Maps that delineate areas subject to additional zoning regulations may be included in the Zoning Map and Code, adopted by separate ordinance, and/or adopted by reference. Examples include the location of historical landmarks, special street setbacks, environmental resources, overlay zones and existing and planned public trails. The City of Dallas maintains the Official Zoning Map and all other regulatory maps.

**D. Changes to Official Zoning Map.** A proposed change to the Official Zoning Map is subject to the amendment process described in Chapter 4.7 Land Use District Map Amendment.

#### **E. Boundary Lines.**

1. Where a zoning line is shown on the Official Zoning Map as being within an existing or vacated right-of-way, utility corridor, trail corridor, watercourse, or similar feature, the line is in the center unless specifically indicated otherwise.
2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

3. Boundary line determinations and interpretations shall be made by the City Planning Official.

#### **1.2.070 Pre-Existing Approvals**

- A. Legality of Pre-existing Approvals.** Developments and uses for which approvals were granted prior to January 22, 2010 may occur pursuant to such approvals, except that modifications to those approvals shall comply with Chapter 4.6. Modifications to Approved Plans and Conditions of Approval, as applicable.
- B. Subsequent Development Applications.** All developments and uses commencing on or after January 22, 2010 shall conform to the provisions of the Code applicable and effective at that time.

#### **1.2.080 Building Permit and Certificate of Occupancy**

- A. Building Permit.** A building permit shall not be issued until the Planning Official has issued a Land Use Review approval in accordance with the provisions of Chapter 4.2, or has otherwise found that such review is not required. The Planning Official may determine that this Code requires other permits or approvals in lieu of or before Land Use Review approval may be granted. Processing of building permits is subject to the City of Dallas Municipal Code.
- B. Certificate Of Occupancy Required.** To ensure completion of a development or use in the manner approved, a building shall not be occupied and a use shall not begin until a “certificate of occupancy” is issued by the Building Official following completion of the work in substantial conformance to the applicable approvals and permits. Occupancy shall be subject to final clearance by the Planning Official for compliance with applicable zoning and development code requirements, including conditions of approval. Where a development or use is found to be in violation of this Code or condition of approval, the City may withhold, revoke, or temporarily suspend a certificate of occupancy until the violation is remedied.

#### **1.2.090 Official Action**

- A. Official Actions.** The City of Dallas City Council, Planning Commission, and Planning Official, as applicable, are vested with authority to issue permits and grant approvals in conformance with this Code. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified by the City to conform to the Code. The

Planning Official shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision-making body for modification, to make it conform to the Code.

- C. Notices and Validity of Actions.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

## Chapter 1.3 — Land Uses Categories

### **Sections:**

#### **Introduction to the Use Categories**

- 1.3.010 Purpose
- 1.3.020 Category Titles
- 1.3.030 Classification of Uses

#### **Residential Use Categories**

- 1.3.100 Group Living
- 1.3.110 Household Living

#### **Commercial Use Categories**

- 1.3.200 Commercial Outdoor Recreation
- 1.3.210 Commercial Parking
- 1.3.220 Quick Vehicle Servicing
- 1.3.230 Major Event Entertainment
- 1.3.235 Educational Services, Commercial
- 1.3.240 Office
- 1.3.250 Retail Sales and Service
- 1.3.260 Self-Service Storage
- 1.3.270 Vehicle Repair

#### **Industrial Use Categories**

- 1.3.300 Industrial Service
- 1.3.310 Manufacturing and Production
- 1.3.320 Warehouse, Freight Movement, and Distribution
- 1.3.330 Waste-Related; Recycling Facilities
- 1.3.340 Wholesale Sales

#### **Institutional Use Categories**

- 1.3.400 Basic Utilities, Private and Public
- 1.3.410 Colleges
- 1.3.420 Community Service; Government Offices
- 1.3.430 Daycare
- 1.3.450 Medical Centers
- 1.3.460 Parks and Open Space Areas
- 1.3.470 Religious Institutions and Places of Worship
- 1.3.480 Schools
- 1.3.490 Incarceration Facilities

#### **Other Use Categories**

- 1.3.500 Agriculture
- 1.3.510 Mining
- 1.3.520 Radio Frequency Transmission Facilities
- 1.3.530 Transportation Facilities and Improvements
- 1.3.540 Utility Corridors

## Introduction to the Use Categories

### 1.3.010 Purpose

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.
- B. Interpretation.** When a use's category is not clearly identifiable, the Planning Official, through a Type II procedure, may determine the applicable use category or refer the question to the Planning Commission for a determination following the Type II procedure under Chapter 4.8 Code Interpretations. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
- The description of the activity(ies) in relationship to the characteristics of each use category;
  - The relative amount of site or floor space and equipment devoted to the activity;
  - Relative amounts of sales from each activity;
  - The customer type for each activity;
  - The relative number of employees in each activity;
  - Hours of operation;
  - Building and site arrangement;
  - Vehicles used with the activity;
  - The relative number of vehicle trips generated by the activity;
  - Signs;
  - How the use advertises itself; and
  - Whether the activity would function independently of the other activities on the site.
- C. Developments with multiple primary uses.** When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- D. Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

**E. Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

## Residential Use Categories

### 1.3.100 Group Living

- A. Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size or composition of the group is different than that of a Household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures typically have a common eating area for residents, though individual units may have a kitchen. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
- C. Examples.** Examples include residential homes and facilities for persons with disabilities; dormitories, fraternities and sororities; monasteries and convents; nursing and convalescent homes; assisted living and similar retirement facilities where some level of daily care is provided by on-site staff; some residential programs for drug and alcohol treatment; adult foster homes; alternative or post incarceration facilities; and combinations of such uses. Note: Group Living uses are subject to state licensing requirements. Some State and/or Federal requirements pertaining to Group Living (e.g., Fair Housing Act Amendments) preempt local land use regulations.
- D. Exceptions.**
1. Lodging where tenancy may be arranged for periods less than one (1) month is considered a hotel or motel use (or hospital) and is classified in the Retail Sales and Service or other category. However, in certain situations, lodging where tenancy may be arranged for periods less than one (1) month may be classified as a Community Service use such as publicly assisted, short term housing.
  2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
  3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

### 1.3.110 Household Living

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self-contained dwelling units (*i.e.*, with kitchen and wash room facilities) are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, temporary medical hardship dwellings are included in the Household Living category.
- B. Accessory Uses.** Accessory uses commonly found are private yards and gardens, private recreational activities, raising of pets, hobbies, home occupations (subject to Code requirements), and parking of the occupants' vehicles, but not including residential occupancy of any vehicle. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations. Accessory structures may include the following subject to applicable building codes: garages, carports, home offices (subject to Home Occupation requirements), workshops, sheds, wells and well pump houses (subject to applicable State requirements), household rainwater harvesting facilities, household renewable energy facilities (e.g., mini-wind turbines, solar photovoltaic cells, geothermal wells), fences, garden walls, wheelchair ramps, decks, patios, pool houses, HVAC, solid waste and recycling storage and sorting enclosures, satellite dishes, and other structures commonly associated with residential uses and subject to applicable code requirements.
- C. Examples.** Uses include living in houses (attached or non-attached/common wall), duplexes, apartments, condominiums, retirement center apartments (not otherwise categorized as Group Living), manufactured housing, and other structures with self-contained and permitted dwelling units. Examples also include living in Single Room Occupancy hotels if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.**
1. For purposes of this code, a recreational vehicle is not considered a dwelling, except when it is permitted within a City-approved mobile home park or manufactured home park where the vehicle is connected to a electrical utility and city sewer and water systems in accordance with ORS 197.493.
  2. Lodging in a dwelling unit or Single Room Occupancy Hotel (SRO) where less than two thirds of the units are rented on a monthly basis or longer is considered a hotel or motel use and is classified in the Retail Sales and Service category. SROs which include common dining are classified as Group Living.

4. Guest houses that contain kitchen facilities are not accessory to Household Living uses; such houses may be allowed as Accessory Dwellings or as part of a multifamily development, subject to applicable code requirements.
5. In certain situations, lodging where tenancy may be arranged for periods less than one (1) month may be classified as a Community Service use, such as publicly assisted, short term housing or mass shelter in the event of an emergency declared by a government agency.

## Commercial Use Categories

### 1.3.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous or temporary recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting. (Temporary uses are subject to Chapter 4.9.)
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, farmer's market, flea market, arts and crafts fair, miniature golf facilities, and similar commercial venues.
- D. Exceptions.**
1. Golf courses, including up to 2,000 square feet of accessory commercial floor area (*e.g.*, clubhouse, restaurant, equipment sales and rental) are classified as Parks and Open Space. Golf courses with a commercial component exceeding 2,000 square feet commercial floor area are considered Retail Sales and Service.
  2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

### 1.3.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

**D. Exceptions.**

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Article 6 Definitions.

**1.3.220 Quick Vehicle Servicing**

**A. Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (See Chapter 6.1, Definitions) Vehicle fueling stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when the fueling component comprises less land than other uses of the site.

**B. Accessory Uses.** Accessory uses may include auto repair and tire sales, mini mart or similar convenience retail uses.

**C. Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services where service is typically provided in less than one hour.

**D. Exceptions.**

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

**1.3.230 Major Event Entertainment**

**A. Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

**B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

**C. Examples.** Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, concert halls, outdoor amphitheaters, and fairgrounds.

**D. Exceptions.**

1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

**1.3.235 Educational Services, Commercial**

**A. Characteristics.** Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with vocational education, or supplemental academic education, enrichment, and/or tutoring.

**B. Accessory uses.** Accessory uses may include incidental retail (*e.g.*, sale of instructional materials), parking, or other amenities primarily for the use of customers and employees.

**C. Examples.** Examples include vocational schools, tutoring centers, computer classes, after school learning centers for grades K-12, and arts and crafts classes.

**1.3.240 Office**

**A. Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

**B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**C. Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

**D. Exceptions.**

1. Offices that are part of and are located with a firm in another category may be considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. A governmental office may be classified as Office, Community Service, or other use based on its predominate function.

### 1.3.250 Retail Sales and Service

**A. Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

**B. Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking, subject to applicable Code requirements.

**C. Examples.** Examples include uses from the four subgroups listed below:

1. ***Sales-oriented:*** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. ***Personal service-oriented:*** Branch banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; child care center (not family day care); mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. ***Entertainment-oriented:*** Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. ***Repair-oriented:*** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

#### **D. Exceptions.**

1. Lumber yards and other building material sales that sell to contractors and not retail customers are classified as Wholesale Sales.

2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, light and medium trucks and small personal transportation devices (*e.g.*, electric carts) and garden tractors, is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, including farm, construction and other heavy equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as publicly assisted, short term housing or mass shelter in the event of an emergency declared by a government agency. See Community Services.
7. When kennels are limited to boarding the applicant may choose to classify the use as Retail Sales and Service or Agriculture.

### 1.3.260 Self-Service Storage

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. Accessory uses.** Accessory uses may include security and leasing offices. Living quarters for one (1) resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- D. Exceptions.** A transfer and storage business where any individual storage areas are incidental to transfer and storage operations, or where employees are the primary movers of the goods to be stored or transferred, is in the Warehouse and Freight Movement category.

### 1.3.270 Vehicle Repair

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category. )
- B Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

## Industrial Use Categories

### 1.3.300 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
  2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

### 1.3.310 Manufacturing and Production

- A. Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site, as distinguished from Retail Sales and Services where customers routinely come to the business.

**B. Accessory uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one (1) caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.

**C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries when not accessory to a Commercial Service Use; slaughter houses, taxidermist, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

**D. Exceptions.**

1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service; where the majority of traffic to the business is for retail sales and the manufacturing use is entirely indoors, the use will be categorized as Retail Sales and Service.
2. Manufacture and production of goods from composting organic material are classified as Waste-Related uses.

**1.3.320 Warehouse, Freight Movement, and Distribution**

**A. Characteristics.** Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for the subject firm or other firms, including goods that are generally delivered to the final consumer. There is little on-site sales activity with the customer present, except for some will-call pickups.

**B. Accessory uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, repackaging of goods, and will-call pickups.

**C. Examples.** Examples include separate or off-site warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

**D. Exceptions.**

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Mini-warehouses are classified as Self-Service Storage uses.

**1.3.330 Waste-Related; Recycling Facilities**

**A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-110, Hazardous Waste Management.

**B. Accessory Uses.** Accessory uses may include offices, repackaging and transshipment of by-products, and recycling of materials.

**C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, recycling centers, and hazardous-waste-collection sites.

**D. Exceptions.**

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Sewer pipes that serve a development are considered a Basic Utility.
3. Excavation is considered Development or Mining, as applicable.

**1.3.340 Wholesale Sales**

**A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

**B. Accessory uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

**C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.

**D. Exceptions.**

1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use and the customer traffic generated.
3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

## Institutional and Civic Use Categories

### 1.3.400 Basic Utilities, Private and Public

- A. Characteristics.** Basic Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds, suspended cable transportation systems, and public safety facilities district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary structure but serve a single development, subdivision, or subarea of the City; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.
- D. Exceptions.**
1. Services where people are generally present, other than bus stops or turnarounds, and public safety facilities, are classified as Community Services or Offices.
  2. Utility offices where employees or customers are generally present are classified as Offices.
  3. Bus barns and similar facilities are classified as Warehouse and Freight Movement.
  4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

### 1.3.420 Community Services; Government Offices

- A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at

the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit athletic or health clubs that have membership provisions are open to the general public to join at any time may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one (1) month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

**B. Accessory uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses (child or adult); and athletic facilities.

**C. Examples.** Examples include city hall, county government and administrative offices, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.

**D. Exceptions.**

1. Private commercial athletic clubs, golf clubs (*e.g.*, clubhouse or restaurant exceeding 2,000 square feet of floor area), and private museums and similar commercial uses are classified as Retail Sales and Services.
2. Parks are in Parks and Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

### 1.3.430 Daycare

**A. Characteristics.** Daycare use includes day or evening care of two (2) or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision. See also, exception below for Family Daycare, which is a different use category.

**B. Accessory Uses.** Accessory uses include offices, play areas, and parking.

**C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

**D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 657A if the care is given to 16 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home, and is regulated as a home occupation.

### 1.3.450 Medical Centers

**A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care.

**B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.

**C. Examples.** Examples include hospitals and medical complexes that include hospitals.

**D. Exceptions.**

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
2. Medical clinics (medical, dental, vision, and similar clinics) that provide care where patients are generally not kept overnight are classified as Office.
3. Urgency medical care clinics not otherwise part of a Medical Center use are classified as Retail Sales and Service.

### 1.3.460 Parks and Open Space Areas

**A. Characteristics.** Parks and Open Space Areas are uses of land focusing on natural areas, public parks, private open areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures and structures are accessory to the primary park or outdoor recreation use.

**B. Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions (as with athletic fields), caretaker's quarters, and parking.

**C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and open space that is not part of an Agricultural use.

### 1.3.470 Religious Institutions and Places of Worship

- A. Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one (1) household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution, are different than a school as a primary use. Additional housing may be permitted as a primary use on the same site as a Religious Institution or Place of Worship subject to applicable Code requirements.
- C. Examples.** Examples include churches, temples, synagogues, and mosques. See also, Religious Schools included in 1.3.480 Schools.

### 1.3.480 Schools

- A. Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level, that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military and similar academies.
- D. Exceptions.**
1. Preschools are classified as Daycare uses.
  2. Business and trade schools are classified as Retail Sales and Service.

### 1.3.490 Incarceration Facilities

- A. Characteristics.** This category includes law enforcement incarceration facilities that are not accessory to a police station or law enforcement office.
- B. Accessory uses.** Accessory uses include visitor areas, cafeterias, recreational and sport facilities, and educational facilities.

**C. Examples.** Examples include short- and long-term city, county, state, or federal law enforcement facilities, at any designated level of security.

**D. Exceptions.**

*[reserved]*

## Other Use Categories

### 1.3.500 Agriculture

**A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.

**B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training and veterinary services.

**C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; veterinary services; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

**D. Exceptions.**

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
2. Livestock auctions are classified as Wholesale Sales.
3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
4. When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.
5. Gardens and hobby farms (e.g., less than one acre) may be classified as accessory to a Residential Use.

### 1.3.510 Mining

**A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

**B. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material

**C. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling. Note: Land use approval is required prior to any grading or clearing of vegetation from a site, even if the intended use is not Mining. In such case, the land use designation is the same as that for which the clearing or grading is proposed.

**D. Exceptions.** *[Reserved]*

**1.3.520 Radio Frequency Transmission Facilities**

**A. Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

**B. Accessory Uses.** Accessory use may include transmitter facility buildings.

**C. Examples.** Examples include broadcast towers, communication/cell towers, and point to point microwave towers.

**D. Exceptions.**

1. Receive-only antennae are not included in this category.
2. Radio and television studios are classified in the Office category.
3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

**1.3.530 Transportation Facilities and Improvements**

**A. Characteristics.** The physical improvements used to move people and goods from one place to another, i.e., streets, sidewalks, pathways, bike lanes, transit stations and bus stops.

**B. Examples.** Examples include transportation capital improvements; normal operation, maintenance, repair, and preservation activities of transportation facilities; installation of culverts, pathways, medians, fences, guardrails, lighting, landscaping and similar types of improvements when associated with transportation facilities; emergency measures associated with a transportation facility and necessary for the safety and protection of life or property; and construction of a street or road as part of a City approved land division.

**C. Exceptions.**

*[Reserved.]*

### 1.3.540 Utility Corridors

**A. Characteristics.** The category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, natural gas, or other similar services on a regional level.

**B. Examples.** Examples include regional electrical transmission lines; and regional gas and oil pipelines.

**C. Exceptions.**

*[Reserved.]*